

Tony Fischer
Attorney at Law
2208 Anacapa Street
Santa Barbara, CA 93105
Tel: 805 563 6784
fischlaw@cox.net

RECEIVED

2011 SEP -8 PM 1:43

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

September 8, 2011

Mayor Helene Schneider and Members of the City Council

City of Santa Barbara
City Hall at De La Guerra Plaza
Santa Barbara CA 93101

RE: Notice of Appeals of Single Family Design Board (hereinafter SFDB) actions and decisions related to the following:

- A. lot-line adjustment between 860 Jimeno Road and 1402 Grand Ave. which takes land from the smaller lot and adds it to the larger lot;**
- B. as-built construction on both lots;**
- C. proposed new construction at 860 Jimeno (new entry to as-built understory);**
- D. as-built parking and driveway under the drip line of a majestic Oak after removal of historical stone wall;**
- E. construction of an oversized two car garage in lieu of a carport required as part of the final approval of a lot line adjustment by the Staff Hearing Officer in Resolution # 046-2009 dated June 3, 2009. That approval was not appealed and is final;**
- F. the garage design and placement violates the requirement to be compatible with the neighborhood which has garages adjacent to or as part of the dwelling. The roof line, height, size and location are not compatible with the house. The size and location is poor planning if intended to be used as a two car garage for a single family house. The size and placement make it more conducive to being used as an accessory building for the vacation rental business operated illegally by the current owners in A-1/E-1 single-family zones; and**
- G. numerous example of bias and mistakes by City building and staff which have resulted in the flawed process.**

Dear Honorable Mayor Schneider and Members of the City Council:

This appeal is filed on behalf of Mike Cahill and Linda Cahill of the actions and decisions of the SFDB and city staff members. Mr. and Mrs. Cahill and their family have lived adjacent to the two lots for more than thirty years. A prior appeal of preliminary and final approval actions of the SFDB was filed on July 11, 2011. As documented in the attachments submitted with this appeal, the staff in the City Clerk's office was erroneously instructed to not accept or process as required by the Municipal Code and the City Charter. The City Planner has claimed responsibility for the erroneous oral instructions to the City Clerk and has apologized for the errors.

Prior Appeal History. The appeal filed on July 11, 2011 will now be processed with this appeal. As a result of the erroneous advice by the Community Development Department and numerous errors in descriptions of the project status and processing, the SFDB Members were never accurately informed and were improperly restricted in the exercise of discretion by City staff who prepared erroneous descriptions of the projects and then attended SFDB meetings and gave erroneous advice regarding the role of the SFDB. Because staff will likely refer to minutes of those meetings, it is important to keep in mind that due to erroneous information the review of the project was improperly on the consent agenda. SFDB members were misled by staff as to the other reviews and appeals of the project. Consent Agenda hearings are not broadcast and no one makes an official video or tape record. The resulting minutes are full of errors and misrepresentations.

When the Staff Hearing Officer approved on July 27, 2011 an application for an extension of the expiration date of the 2009 lot line adjustment approval, the undersigned filed a timely appeal. Staff has erroneously attempted to reject that appeal. The staff takes the position that the change in the size, design and location of covered parking is subject only to staff approval and that the Staff Hearing Officer only approved a date extension. The Agenda and minutes of the State Hearing Officer suggest that is what happened. However, as stated below, the extension was appealed timely and the staff does not have the power to make a change in the condition of approval which became final when no appeal was filed.

This appeal grows out of the relatively long history of construction without proper permits and approvals carried out by Todd Drevo and Melanie Cava Drevo, the managers of Midwest Institution, LLC. The Limited Liability Company purchased the property from the prior owners who had proposed with staff support the construction of a 6,000+ square foot mansion on the very steep sloped lot at 1402 Grand. That out of scale project was rejected by the City Council at the request of the neighbors despite the strong support from City staff. The processing of that project was one of the proposed projects which highlighted the need for Single Family Design Guidelines.

Significant to these sites is the fact that the properties are in the high fire hazard zone of the City and although 1402 Grand is more than five acres but with a very limited buildable site due to the steep terrain. Transient occupancy is not compatible with a high fire zone. Midwest Institution then obtained approval to remove illegal additions to the house which had been identified in the Zoning Information Report and to replace the exterior surfaces. During that process, the house, instead of being restored to its original modest and approved size, became larger and the accessory building was converted to livable space. That allowed Midwest Institution to have sleeping space for ten to twelve persons, as advertised.

Todd Drevo and Melanie Cava Drevo purchased the second property involved in this lot line adjustment at 860 Jimeno Rd. The property had been owned for more than thirty years by Mr. and Mrs. Pedersen who had joined in the opposition to the prior proposed development at 1402 Grand. The Pedersen property had an easement for access to Grand Avenue over the 600 foot long driveway leading from the end of Grand Avenue to the 1402 Grand Avenue house originally built by Mr. and Mrs. Largura. Todd Drevo and Melanie Cava Drevo, immediately began, without approvals or permits, to create a finished understory to expand the size of the house and to convert covered parking to living space. They removed a stone wall which followed the property line and provided protection to the large majestic Oak tree on the 860 Jimeno Drive property. They installed parking under the Oak. The parking use continues to the present despite SFDB and SHO decisions calling for the protection of the area under the drip line of the Oak. It is important to note that Mr. and Mrs. Drevo and their agent have repeatedly represented to the SFDB that the stone wall existed. Google Maps includes aerial photos showing the wall before it was destroyed and before the area under the Oak tree was converted to parking. The maps also show the current configuration which is part of the project for which the owners are seeking approval.

Todd and Melanie Cava Drevo then sold the 860 Jimeno Rd property to Joseph Yob and Joyce Yob. As part of the sale, the parties agreed to attempt to process a lot line adjustment transferring a part of the Yob's smaller lot to the larger lot controlled by Drevo. In addition, the easement held by the 860 Jimeno Road property over the 1402 Grand Avenue property was eliminated and the 1402 Grand property was granted an easement to use the 860 Jimeno Road driveway in an emergency.

In addition to the illegal construction of Alan block walls at 1402 Grand and the expansion of the house and livable space in the accessory building, the single-family zoned property was advertized and used as a hotel by Midwest Institution year after year. The ads described the five acre site with sleeping for 10-12 persons with daily and weekly rental rates. After neighbors repeatedly provided information to the City enforcement offices, including the Finance Department, the City Attorney filed a lawsuit seeking damages for the illegal hotel use and an injunction against future illegal use. That lawsuit was settled shortly after it was filed by the payment of a \$5,000.00 fine and the issuance of an injunction against future hotel operations. That amount is likely far less than the unpaid transient occupancy tax which was due to the City for operation of the hotel. Payment of the transient occupancy tax is due to the City even if the use is illegal. Payment of the tax does not allow violation of the zoning restrictions to single family use. A weekly summer rental rate, as advertized, was \$4,795.00. Despite the fact the settlement included an injunction against future hotel usage, the property has continued to have short term tenants despite the representations to the contrary.

1. Planning issues:

- a. Garage location is not suitable for use with the house because of the distance from the house which includes the fact that the proposed garage elevation is significantly above the top floor level of the house. The garage location would actually be more convenient to either the single family house at 860 Jimeno or the Cahill single family home at 810 Largura. Also, 1402 Grand would be the only house in the area which does not have the garage immediately adjacent to or attached to the house. The property has adequate space in the area adjacent to the house for a garage. That would be a more appropriate location and would eliminate the problems with the majestic Oak and the impact on the neighborhood. However, it would need to have approval from the SHO for a change to the conditions of approval of the lot line adjustment which still require the construction of the carport on the existing concrete parking area nearer the 1402 Grand single family house.
- b. The requirement to construct a carport above an existing concrete pad was not objected to by the Applicants and it was approved by the Staff Hearing Officer and no one appealed. That decision is contained in Resolution #046-2009. It is noted that in a subsequent staff report staff erroneously stated that an appeal had been filed. The Lot Line Adjustment Agreement recently being processed by Public Works and signed by the Midwest Institution and Mr. and Mrs. Yob states that the lot line adjustment is subject to the conditions in Staff Hearing Officer Resolution # 046-09 dated June 3, 2009.
- c. The decision to require the carport to be located on the existing concrete was to minimize new concrete or asphalt and to restrict the use of the area under the drip line of the Oak trees. The new location is not consistent with those objectives.
- d. The proposed two car garage is oversized. The garage is 27 feet long which allows for other accessory building uses and increases the size of the area converted to paved surface. The property has another accessory building. The drawings submitted to the SFDB contain errors which were identified during the final consent agenda hearing. The pedestrian door would open to a drop-off. It was improper to merely point out the problem when the drawings do not reflect a drop-off exists. The survey map provided by the Applicants appears to be two surveys (one for 1402 Grand and one for 860 Jimeno) and the elevations are misleading.
- e. Based upon location and history, this new building will not be used as a garage but will be used to house the vacation rental business. That use is not appropriate in the single-family zone.

- f. Staff approvals are not valid. Staff is expected to argue that Staff has the authority to change the conditions of approval of a lot line adjustment. There is no grant of authority in the Municipal Code allowing staff to replace or change a condition imposed by the local agency at the time of approval of a lot line adjustment after notice and hearing pursuant to Title 27 of the Municipal Code. . Simply stated, if an individual staff member has the authority to change a condition of approval, it makes no sense to have a required process involving the public hearing, a decision and a right of appeal. Why even have a process involving appeals to the Planning Commission or City Council if the staff member can sit down with the Applicants behind closed doors and agree to implement a change? There is no such valid delegation of authority and the purported exercise of such authority is a violation of the Municipal Code and due process.
- g. The City Council needs to be aware that minutes of the meetings of the SFDB as approved are not accurate. The information included in the Agenda has been changed by staff when the “minutes” were drafted. This took place after the July 5 and the August 22 meeting. The SFDB Chair is apparently of the view that minutes need not be accurate or complete because when the potential errors were noted, the Chair proceeded to ignore the information. For the record, the August 22 meeting minutes do not accurately state:
 - i. The names of the owners as stated at the time of the hearing. It is noted that on July 5, 2011 the mailed agenda listed one of the two properties yet the minutes list both.
 - ii. The zoning of the property is not accurate on the Aug. 22 agenda or minutes.
 - iii. The minutes are erroneous as to persons and as to persons present and persons allowed to speak. Mrs. Cahill was present but denied the right to speak. The minutes state otherwise. Staff persons present and involved in the meeting are not even included in the list of persons in attendance.
 - iv. The agenda for the meeting stated that SHO approval was pending for the change in conditions regarding the substitution of an oversized garage at a different location than the approved carport. The wording of the agenda was changed when the minutes were prepared to state that the staff had approved the change in location and size. That is highly deceiving.
 - v. Public comment was not referenced in the minutes. The public comment cited the need for accurate minutes of all SFDB meetings.
- h. Pursuant to Title 27 of the Municipal Code, the conditions of approval of a lot line adjustment can only be changed by following the same process used to adopt the

initial approval. In other words, a noticed hearing before the Staff Hearing Officer and a decision by the Staff Hearing Officer is necessary to change a condition of approval. That was not done.

- i. The appeal of the decision of the staff hearing officer to extend the appeal time was not processed by the staff. As a result, the SFDB was erroneously informed regarding the status of other approvals. The SB Municipal Code provides for an appeal of all decisions of the Staff Hearing Officer by filing an appeal within ten days. The code also provides that the Applicant can file its appeal within 15 days. The provision which allows an Applicant 15 days to appeal does not eliminate the right to appeal within the other code section. The staff has adopted an erroneous interpretation of the Code.

- j. There is a history of staff bias which resulted in flawed process and planning.

(1). Regarding the Kohler projects for 6000 sq. ft. house. The project was rejected at City Council but that rejection was one action cited by the City's supervisor of project processing as a reason for his personal dislike of the neighbors and their attorney. He voiced similar anger when other projects supported by staff were rejected or not built. That personal bias was contained in an email sent by the Supervisor of project review and addressed to his superiors.

(2). Another neighbor proposed a major expansion at 812 Largura. It was opposed and the reduced size project was abandoned by the owner as not reasonable on the steep slopes. Staff ultimately "approved" an illegal expansion of a deck even after it was learned and agreed by staff that a building inspector had assisted in creation of a false record of approval. This project was one cited by the Supervisor as a reason for his strong personal dislike of the neighbors.

(3). When the Cahills hired a contractor to resurface their driveway, the building inspector issued a stop work order, refused to give final approval and engaged in unprofessional verbal abuse of the contractor. That was challenged and the final inspection denial was reversed. The same inspector had attempted to get the neighbor to not object to the false record of approval of the deck and clearly displayed his anger when he was not successful. During that investigation it was learned the inspector also requested a Public Works employee to explore taking action against the Cahills. The Public Works employee declined. The actions of the inspector were reported to Human Relations but the results of the investigation were not made public.

In conclusion, the Appellants request the City Council to take a site visit and reverse the actions of the SFDB related to the purported garage with the intent of relocating the garage to the northwest side of the house or enforcing the conditions of approval which require the carport to

be built on the existing concrete slab. The protections of the Oak as stated in SHO Resolution 046-2009 need to be followed.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Tony Fischer". The signature is fluid and cursive, with a large, sweeping "T" and "F".

Tony Fischer, Attorney
for Mike and Linda Cahill

Attachments:

City Clerk file materials.

Appeal of SHO action to Planning Commission

Copy of VRBO ad.

Emails to and from Bettie Weiss, City Planner

Tony Fischer

From: "Rodriguez, Cyndi" <CMRodriguez@SantaBarbaraCA.gov>
To: "Tony Fischer" <fischlaw@cox.net>
Cc: "Wiley, Stephen" <SWiley@SantaBarbaraCA.gov>; "Lopez, Marcelo A." <MLopez@SantaBarbaraCA.gov>; "Casey, Paul" <PCasey@SantaBarbaraCA.gov>; "Weiss, Bettie" <BWeiss@SantaBarbaraCA.gov>
Sent: Friday, August 12, 2011 4:32 PM
Attach: Appeal_File,_860_Jimeno_+_1402_Grand.pdf
Subject: Request for Records
Tony,

Per your request, attached is a scanned copy of the documents the City Clerk's Office has on file regarding 806 Jimeno/1402 Grand Avenue.

Cyndi Rodriguez, CMC
City Clerk Services Manager
City of Santa Barbara
(805) 564-5309
cmrodriguez@SantaBarbaraCa.gov

8/13/2011

OKIG LTR HNU HHTAL FEE REIMBURY
8/4/11: APPEAL NOT APPROPRIATE
AT THIS TIME

RECEIVED

2011 JUL 11 AM 8:53

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

July 8, 2011

To: City of Santa Barbara
(Hand delivered to City Clerk's Office)

From: Mike and Linda Cahill 708 4903
810 Largura Place,
Santa Barbara, CA 93103

SUBJECT: Appeal of the July 5, 2011 Single Family Design Board's Approvals concerning:
Item #1. 860 Jimeno Road, and 1402 Grand Avenue.

Bases for Appeal:

1. Project architecture is not compatible and for all of the objections stated to the approval of the project at SFDB and SHO. In addition the approval after the lot line adjustment has expired is inappropriate. The SFDB based its decision on the Applicant's expression of an intent to explore changing the roof line of the house in the future. That same expression of intent was made years ago but it is not based on fact. In any event, a future intention is not a basis to make a finding of compatibility."
2. No discussion was held concerning the 10" height increase and its impacts from 11'3" to 12' 1".

NOTE: Copy of this appeal should go to the SHO. We are told the SHO will be Suzie Reardon. The SHO hearing is scheduled for July 13, 2011.

Mike Cahill and Linda P. Cahill

Mike Cahill and Linda P. Cahill

Cc: Tony Fischer, Attorney
2208 Anacapa Street
Santa Barbara, CA 93105

Note: The Cahill's will not be available
the first two weeks of August 2011

**CITY OF SANTA BARBARA
CALIFORNIA**

A 79666

DIVISION: CITY CLERK'S OFFICE

Date July 11, 20 11

Received from Mike Cahill
Four hundred thirty 40/100 Dollars
for appeal of SFDB decision re: EEO Jimeno Fund,
and 1462 Grand Avenue

\$ 430.00

Acct. No. _____

Tran Code _____

By CM Rodriguez
Title City Clerk Services Manager

NOTICE:

1. On Thursday, June 30, 2011, this Agenda was duly posted on the indoor and outdoor bulletin boards at the Community Development Department, 630 Garden Street, and online at www.SantaBarbaraCa.gov.
2. This regular meeting of the Single Family Design Board will be broadcast live on City TV-18, or on your computer via <http://www.santabarbaraca.gov/Government/Video/> and then clicking City TV-18 Live Broadcast. City TV-18 will also rebroadcast this meeting in its entirety the following Wednesday morning at 8:00 a.m. An archived video copy of this meeting will be viewable on computers with high speed internet access the following Wednesday at www.santabarbaraca.gov/sfdb and then clicking *Online Meetings*.

GENERAL BUSINESS:**A. Public Comment:**

Any member of the public may address the Single Family Design Board for up to two minutes on any subject within their jurisdiction that is not scheduled for a public discussion before the Board on that day. The total time for this item is ten minutes. (Public comment for items scheduled on today's agenda will be taken at the time the item is heard.)

B. Approval of the minutes of the Single Family Design Board meeting of June 20, 2011.**C. Consent Calendar: June 27, 2011; and July 5, 2011.****D. Announcements, requests by applicants for continuances and withdrawals, future agenda items, and appeals.****E. Subcommittee Reports.****SFDB-CONCEPT REVIEW (CONT.)****1. 860 JIMENO RD****E-1 Zone****(3:10)**

Assessor's Parcel Number: 029-110-037

Application Number: MST2008-00402

Agent: Richele Mailand

Owner: Joyce and Joe Yob

(This project has been revised to add a 562 square foot detached two-car garage for 1402 Grand Avenue and the proposed total of 3,401 square feet on the 5.2 acre lot is 47% of the maximum floor-to-lot area ratio. Staff Hearing Officer determination of substantial conformance is requested. Proposal for a lot-line adjustment to decrease 860 Jimeno Road and increase 1402 Grand Avenue by 3,140 square feet. Resulting lot sizes would be 22,598 and 226,973 square feet (5.2 acres) respectively. The lots are located in the Hillside Design District. The project includes a new entry gate and "as-built" changes to the stone walls along the driveway at 1402 Grand Avenue. The project also includes alterations to the residence at 860 Jimeno Road consisting of replacement of an existing window with new French door, adding a new window, and converting the existing permitted understory to habitable space. Staff Hearing Officer approval is requested for the lot-line adjustment.)

(Comments only; a Staff Hearing Officer hearing is scheduled for July 13, 2011, for a requested time extension for the lot-line adjustment (Resolution No. 046-09)).



City of Santa Barbara
City Clerk's Office

Memorandum

DATE: July 18, 2011

TO: James Armstrong, City Administrator
Stephen Wiley, City Attorney
Paul Casey, Community Development Director
Jaime Limón, Planning Division

FROM: Cynthia M. Rodriguez, CMC, City Clerk Services Manager
Susan Tschech, Deputy City Clerk

SUBJECT: Receipt of Appeal

The following described appeal was filed with the City Clerk's Office on July 11. A copy of the appeal letter is attached.

Name of Appellant: Mike and Linda Cahill

Body which made decision being appealed: Single Family Design Board

Date of meeting at which decision was made: July 5, 2011

Decision(s): Concept Review Approval

Name of Property Owner (if different than Appellant): Joyce and Joe Yob

Address of property in question: 860 Jimeno Road/1402 Grand Avenue

Suggested hearing date: ?. Our office will coordinate the setting of the hearing date with Staff and the parties to the appeal.



City of Santa Barbara

City Clerk's Office

www.SantaBarbaraCA.gov

735 Anacapa Street
P.O. Box 1990
Santa Barbara, CA
93102-1990
Tel.: 805.564.5309
Fax: 805.897.2623

August 4, 2011

Mike Cahill
810 Largura Place
Santa Barbara, CA 93103

Re: Appeal of July 5, 2011 Single Family Design Board Review of Project at 860 Jimeno Road

Dear Mike,

Enclosed are your letter and check for an appeal of the Single Family Design Board's July 5, 2011, review of the project at 860 Jimeno Road. Per my discussion with Planning Division staff on July 19, 2011, because the Board made comments only about the project on July 5 and an approval decision was not made, an appeal of that review cannot be made.

Sincerely,

CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER

A handwritten signature in cursive script, appearing to read "Susan".

Susan Tschech
Deputy City Clerk

Rodriguez, Cyndi

From: Rodriguez, Cyndi
Sent: Wednesday, August 03, 2011 2:32 PM
To: 'Tony Fischer'
Cc: Lopez, Marcelo A.
Subject: RE: Files--appeal 1402 Grand
Hi Tony,

The only correspondence we have on file is the letter filed by Mr. Cahill, dated July 8, 2011, which he CC'd you on the letter. Please let me know if you would like another copy.

Given the staff shortages in the City Clerk's Division, we frequently close at noon.

Cyndi Rodriguez, CMC
City Clerk Services Manager
City of Santa Barbara
(805) 564-5309
cmrodriguez@SantaBarbaraCa.gov

From: Tony Fischer [mailto:fischlaw@cox.net]
Sent: Wednesday, August 03, 2011 2:03 PM
To: Rodriguez, Cyndi
Cc: Lopez, Marcelo A.
Subject: Files--appeal 1402 Grand

I was at City Hall at 12:15 today to see the appeal file and any related correspondence regarding the appeal of ABR votes and processing. The office had a closed sign and the person guarding city hall restrooms told me the office is always closed at noon. True? Can you forward via email attachment the items requested?

Thank you.

Tony Fischer, Attorney
fischlaw@cox.net
563 6784

8/10/2011

Rodriguez, Cyndi

From: Tony Fischer [fischlaw@cox.net]
Sent: Friday, August 05, 2011 1:17 PM
To: Rodriguez, Cyndi
Cc: Lopez, Marcelo A.
Subject: Fw: Appeal: SFDB July 5 1402 Grand/860 Jimeno
Attachments: Minutes July 5 2011 SFDB.pdf

— Original Message —

From: Tony Fischer
To: crodriguez@santabarbaraca.gov
Sent: Friday, August 05, 2011 1:10 PM
Subject: Fw: Appeal: SFDB July 5 1402 Grand/860 Jimeno

— Original Message —

From: Tony Fischer
To: crodriguez@santabarbaraca.gov
Cc: mlopez@santabarbaraca.gov
Sent: Friday, August 05, 2011 12:58 PM
Subject: Appeal: SFDB July 5 1402 Grand/860 Jimeno

Cynthia M. Rodriguez, CMC, City Clerk Services Manager, City of Santa Barbara
Dear Ms. Rodriguez:

Following up my request for the documents related to the referenced appeal, attached please find a copy of the pertinent minutes (Approved by SFDB Full Board) of the July 5 meeting. Please put a copy of this email and the minutes with the records related to the appeal filed by Mr. and Mrs. Cahill regarding the Single Family Design Board actions on July 5, 2011. The file should then have, in addition to this email and attachment, a copy of the Appeal, the receipt for payment (or copy of the check) of the Appeal, and the telephone message notes regarding the call from the Project Planner, Ms. Riegle, on July 19 regarding the action of the SFDB. Also, please print out and include a copy of the prior emails we have exchanged regarding this matter. Further, if you have any other information or determination by any City employee showing that the minutes attached do not reflect accurately the motions made and passed on July 5, 2011, please provide that information. Your cooperation will be appreciated.

Very truly yours,
Tony Fischer, Attorney for Mike and Linda Cahill
2208 Anacapa Street
Santa Barbara, CA 93105
fischlaw@cox.net
805 563 6784

8/10/2011

Tony Fischer
Attorney at Law
2208 Anacapa Street
Santa Barbara, CA 93105
Tel: 805 563 6784
fischlaw@cox.net

August 10, 2011

Cynthia M. Rodriguez, CMC,
City Clerk Services Manager, City of Santa Barbara
City Hall,
Santa Barbara, CA 93101

RE: Appeal of SFDB decision involving 860 Jimeno and 1402 Grand

Dear Ms. Rodriguez:

I am now aware that you have attempted to frustrate and interfere with the rights of Mr. and Mrs. Cahill to have a hearing on the appeal from the July 5, 2011 decision of the SFDB regarding the lot-line adjustments, "as-built" and future construction involving the properties at 860 Jimeno Road and 1402 Grand Avenue. After timely receipt of the appeal and fees, you took no action regarding processing the appeal. As you know, I came to your offices to inspect the file on August 4, 2011. Apparently, thereafter you decided to return appeal documents to Mr. and Mrs. Cahill. That timing appears tied to the fact that from the appeal document you knew they would not be available during the first two weeks of August.

After claiming you had no access or information regarding the SFDB's actions, I provided to you a copy of the minutes which clearly states the SFDB did take action. The minutes were and are available to you at the on-line posting available to the public and to all city staff. As you also know from prior experience and past practices, a citizen, and in particular, an adjacent property owner has a right to a hearing and appeal of a decision of the SFDB. It is the duty of your office to process the appeal despite any wrongful attempt by a staff planner either working alone or with others, to stop the appeal rights of a property owner. Apparently, the project planner contends, contrary to the minutes, that the SFDB only made comments. That contention is not based upon a good faith attempt to understand what happened on July 5, 2011.

When public officials, either working alone or in concert with others, take away the rights of a property owner to be heard, our system of due process which protects the civil rights of all, is put in jeopardy. It is not to be taken lightly.

I am requesting that you immediately make available a copy of all correspondence or communications received and/or sent by your office regarding this Appeal and that you take the appropriate steps to process the appeal.

I can be reached at 805 563 6784 and my email is fischlaw@cox.net.

Very truly yours,


Tony Fischer, Attorney for Mike and Linda Cahill



City of Santa Barbara

Planning Division

SINGLE FAMILY DESIGN BOARD MINUTES

TUESDAY, July 5, 2011

David Gebhard Public Meeting Room: 630 Garden Street

3:00 P.M.

BOARD MEMBERS:

GLEN DEISLER, CHAIR - PRESENT
DENISE WOOLERY, VICE-CHAIR - PRESENT
BERNI BERNSTEIN - PRESENT
BRIAN MILLER - PRESENT
JIM ZIMMERMAN - PRESENT
FRED SWEENEY - ABSENT

CITY COUNCIL LIAISON: DALE FRANCISCO - ABSENT

PLANNING COMMISSION LIAISON: MICHAEL JORDAN - ABSENT

STAFF:

JAIME LIMÓN, Design Review Supervisor - ABSENT
MICHELLE BEDARD, Planning Technician - PRESENT
GLORIA SHAFER, Commission Secretary - PRESENT

Website: www.SantaBarbaraCa.gov

SINGLE FAMILY DESIGN BOARD SUBMITTAL CHECKLIST (See ABR Guidelines & Design Review Submittal Requirements for Details)		
CONCEPT REVIEW	Required	Master Application & Submittal Fee - (Location: 630 Garden Street) Photographs - of the existing building (if any), adjacent structures, composite panoramic view of the site, surrounding areas & neighborhood streetscape - mounted or folded to no larger than an 8.5" x 14" photo display board. Plans - three sets of <u>folded</u> plans are required at the time of submittal & each time plans are revised. Vicinity Map and Project Tabulations - (include on first drawing) Site Plan - drawn to scale showing the property boundaries, existing & proposed structures, building & area square footages, building height, areas to be demolished, parking, site topography, conceptual grading & retaining walls, & existing landscaping. Include footprints of adjacent structures. Exterior elevations - showing existing & proposed grading where applicable.
	Suggested	Site Sections - showing the relationship of the proposed building & grading where applicable. Plans - floor, roof, etc. Rough sketches are encouraged early in the process for initial design review to avoid pursuing incompatible proposals. However, more complete & thorough information is recommended to facilitate an efficient review of the project.
PROJECT DESIGN APPROVAL	Required	Same as above with the following additions: Plans - floor, roof, etc. Site Sections - showing the relationship of the proposed building & grading where applicable. Preliminary Landscape Plans - required for commercial & multi-family, single-family projects where grading occurs. Preliminary planting plan with proposed trees & shrubs & plant list with names. Plans to include street parkway strips.
	Suggested	Color & Material Samples - to be mounted on a board no larger than 8.5" x 14" & detailed on all sets of plans. Exterior Details - windows, doors, eaves, railings, chimney caps, flashing, etc. Materials submitted for Project Design Approval form the basis for working drawings & must be complete & accurate.
FINAL & CONSENT	Required	Same as above with the following additions: Color & Material Samples - to be mounted on a board no larger than 8.5" x 14" and detailed on all sets of plans. Cut Sheets - exterior light fixtures and accessories where applicable. Exterior Details - windows, doors, eaves, railings, chimney caps, flashing, etc. Final Landscape Plans - landscape construction documents including planting & irrigation plan. Consultant/Engineer Plans - electrical, mechanical, structural, & plumbing where applicable.

SFDB-CONCEPT REVIEW (CONT.)**1. 860 JIMENO RD AND 1402 GRAND AVE****E-1 Zone**

Assessor's Parcel Number: 029-110-037

Application Number: MST2008-00402

Agent: Richele Mailand

Owner: Joyce and Joe Yob

(This project has been revised to add a 562 square foot detached two-car garage for 1402 Grand Avenue and the proposed total of 3,401 square feet on the 5.2 acre lot is 47% of the maximum floor-to-lot area ratio. Staff Hearing Officer determination of substantial conformance is requested. Proposal for a lot-line adjustment to decrease 860 Jimeno Road and increase 1402 Grand Avenue by 3,140 square feet. Resulting lot sizes would be 22,598 and 226,973 square feet (5.2 acres) respectively. The lots are located in the Hillside Design District. The project includes a new entry gate and "as-built" changes to the stone walls along the driveway at 1402 Grand Avenue. The project also includes alterations to the residence at 860 Jimeno Road consisting of replacement of an existing window with new French door, adding a new window, and converting the existing permitted understory to habitable space. Staff Hearing Officer approval is requested for the lot-line adjustment.)

(Comments only; a Staff Hearing Officer hearing is scheduled for July 13, 2011, for a requested time extension for the lot-line adjustment [Resolution No. 046-09]).

(3:21)

Present: Richele Mailand, Agent.

Suzanne Riegle, Associate Planner, clarified for the Board transportation requirements and minor project changes.

Public comment opened at 3:34 p.m.

Patrick Corrigan, addressed concerns regarding the integrity of the 2.5 foot retaining wall separating the site from his neighboring property.

Linda Cahill, opposed; addressed concerns regarding the zoning and history of use of the site; proposed garage proximity to Ms. Cahill's property and potential obstruction of views.

Public comment closed at 3:43 p.m.

Motion 1: Project Design Approval and Final Approval for the portion of the project at 860 Jimeno Road, with the finding that the Neighborhood Preservation Ordinance criteria have been met as stated in Subsection 22.69.050 of the City of Santa Barbara Municipal Code with window changes contingent upon the Staff Hearing Officer time extension approval.

Action: 1) Findings for quality materials and neighborhood compatibility were made. Woolery/Zimmerman, 4/0/0. Motion carried. (Bernstein/Sweeney absent).

Motion 2: Continued indefinitely to the Staff Hearing Officer and return to Consent Calendar for the portion of the project at 1402 Grand Avenue with the following comments:

- 1) The project received positive comments on location and size of proposed garage structure; hammerhead turnaround, fire accessibility, entry gates, and Allan Block wall.
- 2) Provide landscape screening of the garage from the uphill neighbor, which does not exceed the garage height. Provide landscape details when returning to Consent Calendar.

Action: Woolery/Miller, 4/0/0. Motion carried. (Bernstein/Sweeney absent).

**Tony Fischer
Attorney at Law
2208 Anacapa Street
Santa Barbara, CA 93105
Tel: 805 563 6784
fischlaw@cox.net
August 8, 2011**

Planning Commission, City of Santa Barbara
630 Garden Street
Santa Barbara CA 93105

(With Copy to Mayor and City Council Members)

**RE: Notice of Appeal of changed conditions and
time extension for lot line adjustment at 860 Jimeno and 1402 Grand approved by
SHO on July 27, 2011.**

Dear Honorable Chair and Members of the Planning Commission:

This is an appeal filed on behalf of Mike and Linda Cahill of the actions of the Staff Hearing Officer/Planner, Susanne Reardon acting under the direction of Danny Kato, City Planner and Susanne Riegle, Staff Planner.

This appeal is based upon the issues raised in that communication from the undersigned to the SHO (copy attached) before the SHO approved the changes in the conditions of approval and the expansion of the project on July 27, 2011. The issues were not considered based upon flawed reasoning and based upon improper direction from the staff, including the immediate supervisor, of the Staff Hearing Officer. In addition, the appeal is based upon

- (1) The failure of the SHO to review and evaluate the evidence related to the current status of the proposed lot line adjustment. As evidenced in the attached copy of an exchange of emails, the staff planner did not have documentation regarding the alleged status of the processing of the alleged lot line adjustment process. The files of the persons in Public Works handling the lot line adjustment could not be located and made available to the undersigned. As a result, additional issues will be cited when the files are located and made available.
- (2) The failure of the staff and SHO to evaluate the proposed site of the accessory building/garage to verify that it can be built as shown on the drawings. The drawings do not accurately display the site slope conditions and the proposed structure. A proper site visit with the building location as proposed carefully staked should reveal the exact

location of the proposed structure and the slope at that location. The construction on steep slopes is contrary to Single Family Design Guidelines and the General Plan.

- (3) The hearing on July 27, 2011 was the first time at a noticed hearing the public was provided the opportunity to review and comment upon the proposed changes to the conditions of approval regarding the location of the covered parking space . Unfortunately, in an attempt to deprive the neighbor of an attempt to provide pertinent information, the SHO and staff planner took the position that this clearly relevant information would not be considered by the SHO who was acting under direction of her immediate supervisor who signed the staff recommendation.
- (4) A condition of approval of the lot line adjustment in 2009 was the requirement that staff visit the site of the residence at 1402 Grand and determine the actual as-built size of the residence in view of the apparent expansion which took place despite the fact that the only permit issued to the current owners was a permit to change the exterior skin of the structure and to remove the illegally added enclosed spaces which had been created by prior owner(s). Where is that information? It is noted that the current size of the house allows for expanded vacation rental use at the higher rental rates and increases the parking burdens on the site.
- (5) Contrary to the characterization of the petition signed by the neighbors, the "petition" as worded is supportive of the original conditions of approval of the lot line adjustment and do not indicate approval of a 600 square foot accessory /garage /storage building located too far from the dwelling to be used as a garage. The letter in support from Francesca Cava, who describes herself as a neighbor, does not reveal that she is a sister to an owner. Ms. Cava is also engaged in the business of vacation rentals and has been supportive of the illegal use of the property at 1402 Grand Avenue.
- (6) The SFDB clearly requested that any proposed two car garage not located near the house be limited to 20 feet in length and to be located more than 19 feet from the property line. Those requests were denied by the Staff and the SFDB was improperly told it had to approve the larger building located closer to the property line.

Please contact the undersigned about scheduling the appeal hearing before the Planning Commission.

Very truly yours,

Tony Fischer, Attorney
for Mike and Linda Cahill

To: Suzanne Reardon, Staff Hearing Officer
From: Tony Fischer, Attorney for Mike and Linda Cahill
2208 Anacapa Street
Santa Barbara, CA 93105
805-563-6784 and fischlaw@cox.net

Re: Proposed lot line adjustment; proposed and "as-built" construction
at 860 Jimeno and 1402 Grand.

A failure of site planning.

The requirement to build a covered parking space as near as possible to the dwelling was intended to serve as a requirement of the approval of the lot-line adjustment approved by the Staff Hearing Officer in 2009. The current design submitted to the SHO and SFDB is a major change with significant adverse land use impacts for the site and the neighbor. It is contrary to logic for the City staff to initially support in 2009 a condition for one covered parking space, and thereafter to approve and to advocate with the applicants to change the requirement from a carport to an oversized two car pitched roof structure—the house has a flat roof—to be located approximately 100 feet from the house it is intended to serve. The new location and size cause significant adverse impacts to the adjacent property.

The condition to build a carport near the house became final in 2009. No appeal to the Planning Commission was filed by any of the Applicants. Basic urban planning and, likely, the first question in planning to add covered parking, is whether the location is suitable for use as a garage and will be in a location which will, using common sense, be actually used for parking. In this case, the new proposed location is too far from the house and when the change in elevation information is also considered, common sense points only to the conclusion that the building will not be used for automobile parking. It is contrary to sound community planning to allow a garage in a location which is not suitable for use as a garage. As we know, the use of the house for more than five years has been for a vacation rental home which is the equivalent to a hotel in a single family zone within the high fire zone. Approximately one year ago a court injunction against the owners of 1402 Grand was issued to stop the hotel from operating yet the property continues to have short term guests.

Logic and common sense make it clear the new building will only be used for storage of materials related to the vacation rental business conducted by the owners or as an additional party room for the vacation renters. The building ends up being an accessory building when the site already has accessory buildings which are used as part of the vacation rental. The site needs a carport for parking near the house, not an additional poorly positioned and designed two car garage too far away to be used as a two car garage.

The change in the condition of approval is contrary to law.

The condition for approval included a requirement for one covered parking space in a carport at a location near the house. It limited the size to one covered space and determined the location. The change repudiated the size and location of the required

covered parking space. The change was determined to be "substantial conformance" by staff after a hearing intended to be advisory to staff. That method of changing a condition of approval of a lot line adjustment was not consistent with due process, legal notice requirements and the requirement of the Subdivision Map Act and Title 27 of the Municipal Code. The advisory meeting before the SHO was not duly noticed in addition to being a sham. The change in the condition of approval of a lot line amendment must be processed with the same formality as the original approval and must be subject to appeal. None of that was done in 2010. There was no ten day notice, no adequate opportunity to appear and the approval by staff of the change in the conditions of approval is not authorized and is not in accord with Title 27 of the Municipal Code. Adding to the illegality, the SHO's resolution is unclear whether it was voicing agreement with staff or the conditions recommended by the Single Family Design Board prior to that sham meeting. The entire process by which the staff went out of its way to do favors to the applicants were not in accord with Titles 22, 27 and/or 28. Similar to the five year refusal to enforce the numerous violations, including the illegal vacation rental business, the staff went out of its way to support the Applicants without regard for the basic principles of good planning.

There are numerous additional reasons why the SHO should reject the staff recommendations proposed to be considered on July 27, 2011:

- The proposed new oversized building is shown with a pitched roof. During the hearing before the four members of the Single Family Design Board, when asked about the inconsistency between the roof of the new building and the flat roof of the house, the applicants' agent stated, as she has stated before, that the owner has considered changing the roof of the house in the future. That response does not change the fact that the roof lines are not consistent. Staff, not willing to burden the applicants with compliance with one of the most fundamental policies of the SFDB, did not pursue the question. The mere consideration of a possible future change to the roof line of the house is not a basis to find consistency. Such a comment is not even a promise. It is a diversion from the facts which the SFDB and staff should have rejected. The simple fact is that the pitched roof is not consistent with the architecture of the house on the site and any repetition of a discussion to consider making a change to the roof of the house does not solve the inconsistency.
- The staff report is devoid of facts related to the size of existing structures on the properties, the size and location of the proposed new structure, and any basis for its recommendations other than the staff does not want to inconvenience the applicants. In 2010, the SFDB comments and requests were summarily rejected by staff in favor of the same applicant who engaged in illegal use of the property for years, had removed a historic stone wall and has created parking spaces under the drip line of the Oaks. It is noted that the arborist hired by the Applicants has demonstrated his loyalty to the Applicants by attempting to justify that conduct which is contrary to the established standards to protect Oak trees.

- Despite the condition of approval which required the staff to verify the size of existing structures on the property **before** the return to SFDB, the results of the measurements which the staff planners claim were made, are not in the street file. It is noted that despite the fact a permit was issued to replace the exterior surface of the house with no change in square footage, the building and zoning staffs allowed the house to “grow” during the change in the exterior surface. Apparently due to inadequate inspections during construction by building and zoning staffs, it became significantly larger. Without the “growth” in the size of the house, the attractiveness of the site for vacation rental (hotel) use would be significantly less and the “need” for a storage building would be reduced. Needless to say, the proposed storage (accessory) structure adversely impacts the neighboring property and the use as a storage building or accessory building (party room) is not consistent with good community planning.
- It is well documented that City staff has retaliated against the neighbor for exercising the right to object to overdevelopment in the neighborhood. In the past, City staff strongly supported an attempt to put a 6000 square foot house at 1402 Grand and to allow a massive expansion on the steep hillside at 812 Largura. Both projects were rejected on appeal. Yet, a supervisor of design review put in writing his personal hatred of the efforts which were successful and has expressed his improper bias to others involved with review of the various projects and as-built construction. In retaliation, a supervisory building inspector signed off on the illegally expanded deck at 812 Largura. Another inspector had attempted to insert into the street file an “approval” document which was false. The Department finally admitted the misconduct but then retaliated against the persons making the disclosure. For example, a building inspector issued an improper stop work to block a routine driveway resurfacing project at the Cahill home. He went further and asked the public works staff to also issue improper notices of violation. When the licensed contractor and owner filed complaints regarding the conduct of the inspector, the stop work notice was withdrawn and final approval was quickly given at the site by the Building Official. It is not known what happened as a result of the complaint regarding unprofessional conduct apparently because the Human Relations department does not provide that information.
- The project designer for this project, despite claiming to park on Grand Avenue to avoid what she describes as parking, ingress and egress difficulties, actually parks her vehicle in the parking spaces created under the drip-line of the Oak. Contrary to the asserted difficulties, the house existed and adequately served as a single-family residence for 30 years before the current ownership. The often repeated story about how the property owner injured himself when he walked backwards over the edge of the driveway, although unfortunate, has no relevance to any land use issue other than the fact that access to the site makes it incompatible with the increased and different use caused by the vacation rental business. On a recent week-end, short term vacationers were

seen arriving at the property. The office of the City Attorney was alerted but it is not known what was done with the information.

- The staff has apparently decided to allow the arborist hired and working for the Applicants to make all decisions related to preservation of the Oak tree in the future. That is an improper delegation of responsibility for protection of the Oak. The arborist works for the owner, and is not responsive or responsible to the City but appears to be responsive to the requests of the owners.
- The SFDB, when it reviewed the project in 2010 insisted on a reduction in the building from 600 square feet to 400 square feet and strongly urged a minimum separation of nearly 20 feet between the back wall of the garage and the property line. There is no justification for the current larger size and the staff rejection of the recommendations of the SFDB regarding size of the structure and protection of the Oak.
- The SFDB membership has changed while this project has been pending. The four members present at the last meeting were directed by staff to improperly split the approval of one proposed project into two projects. Review of the landscaping ignored the parking under the Oak. Staff, for reasons it could not explain when asked, decided to split the project as if the lot-line adjustment somehow only impacted one of the two lots. It defies logic to split one project into two as if the land use issues and site planning concerns only involve one lot. An appeal of the SFDB votes has been filed which will require a full hearing at the City Council.
- The evidence that the applicants submitted a request for an extension of the expiration date of the lot-line adjustment in a timely manner is not adequate. Was a fee paid? When?

The SHO is requested to reject the recommendations of the staff and to deny the requests. In the event the SHO does not have access to all of the files and information regarding these matters, the SHO should continue the hearing to obtain the City files.

End.

Tony Fischer

From: "Jennings, Jennifer M" <jjennings@santabarbaraca.gov>
To: <fischlaw@cox.net>
Cc: "Riegle, Suzanne" <SRiegle@SantaBarbaraCA.gov>; "Cloonan, Michael J." <MCloonan@SantaBarbaraCA.gov>; "Wilde, Mark" <MWilde@SantaBarbaraCA.gov>
Sent: Monday, August 08, 2011 7:47 AM
Subject: RE: 1402 Grand/860 Jimeno LLA - PBW2009-01436
 Mr. Fischer,

I apologize that I was unavailable to help you when you stopped by. I did not hear that you had inquired to speak to me.

Would you like to send me a list of times that would be convenient for you to stop by and look at the file?

Jennifer M. Jennings
 Executive Assistant
 City of Santa Barbara, Department of Public Works
 (805) 897-2674

From: Tony Fischer [mailto:fischlaw@cox.net]
Sent: Thursday, August 04, 2011 3:33 PM
To: Johnson, Victoria
Cc: Riegle, Suzanne; Wilde, Mark; Cloonan, Michael J.
Subject: Re: 1402 Grand/860 Jimeno LLA - PBW2009-01436

Good **afternoon**. First, I was attempting to review the Planning file and the lot line adjustment file only to be told by Suzanne Riegle that the Planning staff has no information in its files regarding the lot line adjustment and does not keep any information it obtains from Public Works. Seems strange to have no information considering the representations made by Suzanne to the SHO last week regarding the project. Therefore I attempted to see the file by walking to the next counter (PW) and after waiting to speak with the person who should have access, I was informed by the receptionist that he could not be located within the building although she was sure he was in the building. Then I started this multiple person chain of emails which merely now gets me an opportunity to speak to someone about an appointment. I received this email while standing near the Public Works counter. I then spoke to the acting receptionist at your department who informed me that Ms. Jennings was in a meeting and therefore also unavailable to provide assistance in the simple task of making a public file available for inspection before your three day week-end. The receptionist promised to help. Is there any reason for this apparent endless chain of persons to contact to see a public file?

Tony Fischer, attorney

----- Original Message -----

From: "Johnson, Victoria" <VJohnson@SantaBarbaraCA.gov>
To: "Tony Fischer" <fischlaw@cox.net>
Cc: "Jennings, Jennifer M" <jjennings@santabarbaraca.gov>; "Riegle, Suzanne" <SRiegle@SantaBarbaraCA.gov>; "Wilde, Mark" <MWilde@SantaBarbaraCA.gov>

8/8/2011

Sent: Thursday, August 04, 2011 1:41 PM
Subject: 1402 Grand/860 Jimeno LLA - PBW2009-01436

Good **morning** M. Fischer, I understand that you have already viewed the Planning file with Suzanne Riegle at the Zoning counter yesterday.

Please make an appointment with Jennifer Jennings, Executive Secretary to the Public Works Director to view the Engineering plan check file for the Lot Line Adjustment. Ms. Jennings phone number is 897-2674.

Ms. V. Johnson
Project Engineer II

City of Santa Barbara
Public Works Department
vjohnson@SantaBarbaraCA.gov
(805) 897-2563

-----Original Message-----

From: Tony Fischer [mailto:fischlaw@cox.net]
Sent: Thursday, August 04, 2011 8:35 AM
To: Johnson, Victoria; Cloonan, Michael J.
Subject: Fw: Automatic reply: Lot line adjustment

----- Original Message -----

From: "Wilde, Mark" <MWilde@SantaBarbaraCA.gov>
To: "Tony Fischer" <fischlaw@cox.net>
Sent: Thursday, August 04, 2011 8:29 AM
Subject: Automatic reply: Lot line adjustment

I am on vacation July 29-Aug16th. Please contact Mike Cloonan for any urgent permit matters and please contact Victoria Johnson for projects in DART or for any final maps or documents issues. For more details, visit the City's website at: www.SantaBarbaraCA.gov. If you have an emergency inspection need, please call Randy Ward at 564-5396.

Original Message -----

From: Tony Fischer
To: direland@santabarbaraca.gov
Sent: Thursday, August 04, 2011 8:04 AM
Subject: Fw: Lot line adjustment

----- Original Message -----

From: Tony Fischer
To: mcloonan@santabarbaraca.gov
Sent: Wednesday, August 03, 2011 1:57 PM
Subject: Lot line adjustment

8/8/2011

Dear Mr. Cloonan,

I was at 630 Garden St. this morning and after waiting, they gave me your card. I am trying to see the files related to the lot line adjustment between 1402 Grand and 860 Jimeno. How can I see the file ASAP?

Tony Fischer, Attorney

563 6784 tel

fischlaw@cox.net

8/8/2011

Santa Barbara Estate



Home > USA > California > Central Coast > Santa Barbara Area > Santa Barbara >

Private Homes > VRBO Listing #53182

Santa Barbara 5 Acre Estate & Guest Hse:180 Degree Ocean Views

Private Homes, Santa Barbara, California Vacation Rental by Owner Listing 53182



LOCATION, LOCATION, LOCATION - Less than 2 miles to Beach, Walk to town

Location: Private Homes, Santa Barbara, Santa Barbara Area, Central Coast, California, USA (1 mile to Mission, downtown & Beach: Prestigious Riviera)

Accommodations: Private SB Estate & Guest Home, 5 Bedrooms, 5 Baths (Sleeps 5-12)

Be one of the few to experience this one of a kind 5 acre private Estate in the City of Santa Barbara with spectacular 360 degree ocean views and a secluded forest with California oaks!

This is the largest single parcel of land in the City limits of Santa Barbara. We are less than a mile to the Historic Old Mission and downtown Santa Barbara and also less than 2 miles to the Beach.

This is city living at its best as our Estate offers an impressive private 400 foot tree lined driveway that leads to the 5 bedroom Estate and Guest house. They both sit magnificently atop the lower Riviera with 360 degree views of the Ocean, Channel Islands, Santa Barbara Harbor & City Skyline, Montecito

Call Owner

Phone 1: **(714) 394-5667**

Todd (California, USA)

Phone 2: **(805) 689-8994**

Melanie (California, USA)

Please say "I saw your listing #53182 on VRBO". Before contacting us, please check our calendar for your desired dates.

Mountains and Ventura Coastline.

In addition to the view, the property is also home to native Southern California vegetation and wildlife such as deer, raccoons, rabbits, hawks, birds and numerous other animals who roam this truly unmatched Santa Barbara property. You can hike around our hilly, California Oak and tree filled private forest with over 1 mile of walking trails and stunning ocean views at nearly every vantage point.

The Estate itself will take your breath away upon entry as you will immediately see Ocean views from every angle, in this open floor plan, including 2 ten foot wide windows that extend from the floor to the ceiling. Every room is done with Italian stone, custom wooden beams & cabinetry and hand cast faux plaster walls which all add to the ambiance of this classic Santa Barbara estate.

In this open great room is the fully equipped state of the art kitchen that includes a Sub-Zero refrigerator, Wolf Stove, custom Santa Barbara cabinetry and Italian granite countertops. There is also an island that seats six and a separate area with a bar that make this kitchen a great gathering location.

Off the kitchen is a dining area with a Renaissance table that seats 10 in leather bullet and Italian tapestry chairs. Enjoy dining in front of spectacular ocean views and a cozy Waterford fireplace.

In this great room is also a living room with a leather couch and leather chairs that provide beautiful views and is great for entertaining. Relax and enjoy the high definition LCD/TV, DVD, stereo and wireless internet access in the middle of these 5 untouched acres.

Off the great room are glass doors leading to 1 of the 7 ocean view decks. This deck offers spectacular views of the both the property and ocean, accompanied with wrought iron furnishings for your comfort.

Also off the great room are a half bath and the master suite.

The half bath offers an ocean view with custom cabinetry, Italian stone and hand painted Italian accents.

The large master suite, complete with ocean and mountain views, offers a king size bed and accompanying private bath. Every bedroom in the house has custom closets for ample storage and convenience. The full size bathroom is done in Italian stone and marble, custom cabinetry and glass. It is immaculately clean.

Downstairs offers 1 great room, 2 bedrooms and 1 ½ bathrooms. In the great room is a queen size four poster bed, comfortable couch,

game table and 42" Plasma TV/DVD and stereo. It is complimented with a Waterford fireplace and glass doors that lead to the 450 square foot deck. This deck has breath taking views of the Ocean, Channel Islands, coastline, City and the overall estate grounds. It offers wrought iron chaise lounges and table and chairs and is a wonderful place for entertaining, sunbathing or simply enjoying the Santa Barbara sunrise and sunsets.

The 3rd large bedroom has a king Tuscan bed that matches the wooden beams and stone floors providing the feeling of old world Santa Barbara architecture. It is so comforting that you may want to relax and read in the matching chaise or work at the desk that also provides ocean views. This bedroom has glass doors to its own private entrance leading outside to a small deck and its own half bath.

The 4th bedroom offers a double bed and is encased with windows and a glass door that leads to the large deck with spectacular ocean views.

Off the great room is a beautiful full bathroom with separate Jacuzzi tub and custom enclosed glass shower. In addition, it has custom marble, cabinetry, fixtures and a heated floor.

The outside grounds offer a beautiful courtyard made of Italian tile and travertine and is complimented with an Italian fountain. In the middle of the courtyard are 2 beautiful California oaks and 30 foot cactus which are 100+ years old. The courtyard leads to the guest house which offers a queen size French walnut antique bed, sitting area and full bathroom of Italian stone, custom glass and hand painted Avignon tiles. This private area has its own Waterford fireplace and private deck.

There are also numerous other areas around the property that offer decks, views and spectacular ambience for a picnic, with lemon and avocado trees sparsely out here and there. On top of the guest house is a large sun deck that has a gas grill, table and chairs and chaise lounges. This is the place to have great barbecues and enjoy the panoramic views of the estate.

This is a rare opportunity in the City of Santa Barbara, with untouched acreage the way Southern California used to be, in a beautiful brand new Estate and guest house.

Please be our guest and enjoy.

Vacation Rental Features

Activities	Hiking, Rock Climbing, Biking, Golf, Tennis, Racquetball, Basketball, Fitness Center, Gym, Horseshoes, Miniature golf, Amusement Parks, Fishing, Wildlife Viewing, Horseback Riding, Shopping, Restaurants, Live Theater, Cinemas, Museums, Sightseeing, Swimming, Snorkeling/Diving, Boating, Sailing, Waterskiing, Surfing, Windsurfing, Parasailing, Shelling, Rafting
Amenities	<ul style="list-style-type: none"> - Largest acreage of land within City of Santa Barbara with 5 acres - Over 1 mile walking trails - Incredible views of Ocean, Channel Islands, Santa Barbara Harbor & City Skyline, Montecito Mountains and Ventura Coastline from nearly every room and deck - 3 Waterford fireplaces - 3 TV's including 42" plasma, 32" LCD high definition, DVD's and stereo - Wireless High Speed internet router - 7 Decks with abundant wrought iron furniture - State of the art kitchen with Sub-zero refrigerator and Wolf stove - Walking distance to the Mission and downtown - Immaculately clean bathrooms of limestone, custom glass, cabinets and fixtures - Less than 2 miles to the Beaches - Other: 2 sets of washer and dryers, Internet access, TV, Cable TV, Stereo, CD Player, Full Kitchen, Microwave, Dishwasher,, Cooking utensils provided, Linens provided, Gas Grill (BBQ), Italian stone throughout, custom cabinetry, wood beams, faux painted plaster, No Smoking

Rate Details (In US Dollars)

Personal Currency Assistant™

Weekly rates:

Low season.... \$2,995 - \$3,695

High season...\$3,295 to \$4,795

Monthly rates:

Low Season \$8,500 to \$12,000; High Season .. \$12,000-\$18,000.

50% deposit required to secure reservation w/balance due 60 days prior to arrival

\$1,000 refundable security deposit.

\$395 Cleaning fee applies and 12% Tax on stays less than 30 days

Note: Until confirmed, rates are subject to change without notice.

Dates available: Available starting April 1, 2005
Before contacting us, please check our calendar for your desired dates.

Phone 1: **(714) 394-5667 Todd (California, USA)** Phone 2: **(805) 689-8994 Melanie (California, USA)**

Note: Each property is individually owned or managed.

Property Photos



1 of 7 decks with unmatched ocean, city & mountain views on 5 private acres - Santa Barbara Estate Rental



Private courtyard between House & Guest House w/Italian Fountain, 1 of 7 Decks - Santa Barbara Estate Rental



State of the art kitchen w/Sub-Zero & Wolf stove and island that seats 6 - Santa Barbara Estate Rental



Over 400 foot tree lined private drive to the House & Guest House



Large bedrooms each with custom closet space, some with private decks



Stunning Ocean Views with open floor plan and Italian stone throughout



1 of 7 decks with unmatched ocean, city & mountain views on 5 private acres



5 bedrooms w/exquisite furnishings, each bed unique in wood & origin, wood beams





Stunning ocean views and within a mile to the beach



The American Riviera



Guest Comments (0)

This property does not yet have any comments in the guestbook.

Be the first to add a comment to this listing...

Dates available: Available starting April 1, 2005

Before contacting us, please check our calendar for your desired dates.

Phone 1: **(714) 394-5667 Todd (California, USA)** Phone 2: **(805) 689-8994 Melanie (California, USA)**

Note: Each property is individually owned or managed.

Vacation Rentals by Owner Listing #53182

There have been 32863 visitors to this page since the counter was last reset in 2005.

This listing was first published here in 2005.

Date last modified - January 20, 2010

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Tony Fischer

From: "Weiss, Bettie" <BWeiss@SantaBarbaraCA.gov>
To: "Tony Fischer" <fischlaw@cox.net>; "Rodriguez, Cyndi" <CMRodriguez@SantaBarbaraCA.gov>; "Wiley, Stephen" <SWiley@SantaBarbaraCA.gov>; "Lopez, Marcelo A." <MLopez@SantaBarbaraCA.gov>; "Vincent, Scott" <SVincent@SantaBarbaraCA.gov>; "Riegler, Suzanne" <SRiegler@SantaBarbaraCA.gov>; "Community Development ABRsecretary" <abrsecretary@SantaBarbaraCA.gov>; "Community Development PC Secretary" <pcsecretary@SantaBarbaraCA.gov>

Sent: Monday, August 29, 2011 1:50 PM

Subject: RE: 1402 Grand and 860 Jimeno Rd processing

Hi Tony –

At first it did not occur to me to say to you that I would do an email to document what we talked about, but then a bit later I thought it would be an easy way to communicate to all the folks involved – so that's what I did. I think between the 2 of us we have covered the topics we spoke about.

1. However, I don't think I said and I do not mean to imply that you agreed the appeal of the July 5 SFDB action was not appropriate. In fact I state that we were "not able to reach a common understanding" with you on it. I think we are in agreement that if you file another appeal within the time allowed for the action once confirmed by the SFDB today – then matter of improvements to both 860 Jimeno and 1402 Grand will be brought to Council de novo.
2. Contact has been made with the applicants to explained the situation and our intent to have the whole project under appeal.
3. I understand that you don't agree with our position. However, as I stated in the prior email we have begun the process to refund the SHO appeal fee you paid based on what we believe is clear and correct advise from the City Attorney that the approval decision of the SHO on the time extension is not appealable.
4. & 5. No additional comments needed from me.

Thanks Tony – and feel free to call me if we need to discuss anything further.

Bettie

Bettie Weiss, City Planner

Community Development Dept.

City of Santa Barbara

(805) 564-5509

BWeiss@SantaBarbaraCA.gov

From: Tony Fischer [mailto:fischlaw@cox.net]

Sent: Monday, August 29, 2011 1:23 PM

To: Weiss, Bettie; Rodriguez, Cyndi; Wiley, Stephen; Lopez, Marcelo A.; Vincent, Scott; Riegler, Suzanne; Community Development ABRsecretary; Community Development PC Secretary

Subject: 1402 Grand and 860 Jimeno Rd processing

To: Bettie Weiss, City Planner, City of Santa Barbara

8/29/2011

From: Tony Fischer, Attorney for Mike and Linda Cahill
 Re: 1402 Grand and 860 Jimeno Road lot line adjustments.

This memorandum is in reference to your email dated August 25, 2011. It is copied at the end of this memorandum.

First, the apology for the mix-up in handling of the appeal is acknowledged and accepted.

Second, your email confirmation on August 25, 2011 at 1:45 PM of the conversation earlier that day is not complete:

1. At no time did I agree that the appeal filed with the city clerk regarding the July 5, 2011 votes of the SFDB was not appropriate and/or timely and it was my statement that once the appeal was filed with ten days of that hearing, the prior action of the SFDB was set aside pending the de novo hearing at the City Council. In my view, the SFDB consent calendar was operating with erroneous and incomplete information when it attempted to review the project on August 22, 2011. Because of the valid appeal, there was no longer a direction from the Full Board to the Board Member hearing the consent agenda.
2. I asked whether you had knowledge that the Applicants agreed with the City's position regarding your proposed handling of these matters. You stated that the City would deal with the Applicants to carry out the City's position that all of the matters related to the SFDB actions are open for review on appeal.
3. I reminded you, after you stated no appeal was filed regarding the SHO action on July 27, that an appeal had been filed. You then acknowledged that a timely appeal had been filed and stated that it is the position of the City that the granting of the extension of the approval of the lot line adjustment could not be appealed by any party. The only appeal would be of a denial of an extension and that would have to be filed by the applicant. You further stated that the City's position is that the vote of the SHO on July 27, 2011 did not change any of the conditions of approval from the earlier SHO approval in 2009. Further, it is the City's position that staff, not SHO, made a substantial conformance determination regarding the changes to the location of the parking structure, the substitution of a 27 foot long garage for a single car carport and the change in protections for the Oaks. Further, you stated that the staff determination could never have been appealed. I expressed disagreement with the City's positions regarding the validity of the staff's action and the refusal to allow review of changes to a lot line adjustment.
4. We did not discuss whether the conversation would be memorialized in a confirmation memorandum. I would have preferred the circulation of a draft in order to make sure that the memorandum to be distributed to the Office of the City Clerk, the Office of the City Attorney, the City Administrator and others, would be complete.
5. During our conversation you did mention that you had discussed, prior to our call, these matters with Scott Vincent of the Office of the City Attorney; Paul Casey, Community Development Director/Assistant City Administrator; and persons in your office.

Original Message —

From: Weiss, Bettie

8/29/2011

To: [Rodriguez, Cyndi](#) ; [Tony Fischer](#)

Cc: [Wiley, Stephen](#) ; [Lopez, Marcelo A](#) ; [Casey, Paul](#) ; [Tschech, Susan](#) ; [Vincent, Scott](#) ; [Riegler, Suzanne](#)

Sent: Thursday, August 25, 2011 1:45 PM

Subject: RE: Request for Records

Hello – I am writing to document the conversation I've had today with both of you - Tony Fischer and Cyndi Rodriguez (and I am copying everyone for ease of communication). The purpose for my communication today is to clarify the City's position with respect to Master Application 2008-00402 for improvements at 860 Jimeno Road & 1402 Grand Ave.

The City Clerk's office received an appeal letter for an action of the Single Family Design Board (SFDB) taken on July 5, 2011. Planning Staff advised the Clerks of our opinion that appeal was premature because the action taken on July 5th pertained to the 860 Jimeno property and we understand the issues in the appeal letter to be addressing the improvements proposed for 1402 Grand.

We expected that the Clerk's office would hold the appeal until such time as the other actions are taken by the SFDB. Planning staff was not able to reach a common understanding with the appellant and the Clerk understood our concern to be such that appeal was invalid and felt that it was inappropriate to hold. Therefore, the appeal was returned.

On Monday 8/22 the SFDB took an action to approved the remainder of this application. This Consent action will be presented to the SFDB on 8/29 to be ratified, and that will begin a 10 day appeal period ending 9/8. We anticipate that Mr. Fischer or his client will file an appeal within that time period. I informed him that we will consider all his points regarding the SFDB action (design review) for both properties to be legitimately brought forward to Council, and not disregard the points raised in the prior appeal that was returned.

On a separate but related note, I also informed Mr. Fischer that there is no appeal allowed for the approval of a time extension for Line Adjustment by the Staff Hearing Officer. We in the Planning Division did receive an appeal letter and \$220 fee, and we are in the process of refunding that fee.

I apologize for the confusion and take responsibility for City staff communications on this matter.

Thank you all for your support and understanding.

8/29/2011